

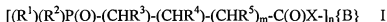
REMARKS

This amendment and reply accompanies a request for continued examination. Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

By the present amendment, claims 1, 2, 5-8, 11, 12, 23, 25, and 27 are currently being amended; and claims 17 and 18 are cancelled. No claims are added. The amendments are fully supported by the application and claims as originally filed, and no new matter has been added by way of amendment. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier. After amending the claims as set forth above, claims 1-16 and 19-29 will be pending in this application, with claims 19-28 presently withdrawn from consideration.

The sole remaining rejection in the Final Office Action is of claims 1-18 and 29 over the combination of WO 00/58316 (equivalent to U.S. 6,458,868) to Okada *et al.* with U.S. 4,514,342 issued to Billington *et al.* Because these references fail to teach or suggest the presently claimed compounds, Applicants respectfully traverse this rejection.

Each of the pending independent claims recites in part, a “compound [or monomers] of the formula (I)



in which the substituents and indices have the following meanings: X is NH, NR⁶ or S, R¹ and R² are, independently of one another, hydrogen or optionally substituted alkyl, alkenyl, aryl, alkylaryl or arylalkyl or optionally substituted alkoxy, aryloxy, alkylaryloxy, arylalkyloxy, or hydroxy...” Neither Okada nor Billington teaches or suggests such compounds.

As discussed in Applicants’ previous responses, Okada, in general, teaches phosphates as well as two very specific phosphonate compounds (5a and 5b). Billington is directed to phosphate compounds of general formula [(RO)₂P(O)OR⁺]. Neither Okada nor Billing teaches or

suggests the claimed phosphonates encompassed by Formula I where X is NH, NR⁶, or S and where R¹ and R² are, independently of one another, hydrogen or optionally substituted alkyl, alkenyl, aryl, alkylaryl or arylalkyl or optionally substituted alkoxy, aryloxy, alkylaryloxy, arylalkyloxy, or hydroxy. As such, Applicants respectfully request that the remaining rejections be withdrawn and that the application be allowed to proceed to issuance.

Request for Rejoinder of Claims

In making the requirement for restriction final in the Office Action of November 15, 2007, the Examiner stated that the compound of claim 1 was shown in the cited art of Balsamo. Because claim 1 is free of the Balsamo reference, Applicants submit that formula (I) embodies a special technical feature that ties together each of the proposed groups of claims. Thus, the Examiner's grounds for imposition of the finality of the restriction are overcome. Accordingly, Applicants request that Group II (claims 19-22) and Group III (claims 23-28) be rejoined to the present application, and allowed to move forward to issuance with the present application.


Applicants submit that this application is in condition for allowance. Favorable reconsideration is requested, therefore. Examiner Heincer is invited to contact the undersigned directly, should he feel that any issue warrants further consideration.

Respectfully submitted,

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